REMARKS

Status of this application

Claims 9, 11-13, 15, 17, 19-25 and 32-36 have been finally rejected.

In the Office Action mailed on December 29, 2005, claim 36 was objected to as containing an informality that has been corrected by this amendment.

Claims 9, 11-13, 15, 21-24 and 32-36 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,424,029 issued to Giesler (hereinafter "Giesler"). Independent claims 9, 21 and 32, and have been amended by this response to more clearly distinguish over Giesler.

Claims 17, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication 7-2491 09 A by Umeno et al. (hereinafter "Umeno") and have been cancelled by this response.

The foregoing amendments and the following remarks were filed on February 27, 2006. In an Advisory Action mailed on March 10, 2006, the Examiner declined to enter the amendment on the basis that the amendments raised new issues which would require further consideration and/or search.

The cited informalities in claim 36

This response amends claim 36 to correct the informality noted by the Examiner.

The obviousness rejection of claims 17, 19 and 20

Applicant concedes that Umeno teaches the entry of numeric data through a ten key keypad on the surface of a data card and applicant has canceled claims 17, 19 and 20.

The rejection based on Giesler

In maintaining the rejection of claims 9, 11-13, 15, 21-24 and 32-36 in view of Giesler, and in responding to applicant's arguments filed on October 18, 2005, the Examiner correctly observed that Giesler teaches sensing combinations of touches (see column 3, lines 8-16) and further teaches that the transmission of data signals between a chip card and a reader may be menu-controlled by a program that runs on the reader (see column 5, lines 17-27).

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Applicant agrees that prior recitations concerning "timing" in independent claims 9, 21 and 32 did not adequately distinguish applicant's invention over Giesler, and these claims have accordingly been amended by this response to more distinctly claim the invention. The Examiner is respectfully requested to enter this amendment, even though the application has been finally rejected, since these amendments are not believed to introduce new issues.

Although Giesler does not disclose detecting the "timing" of touch events *per se*, Giesler does disclose using the chip card to operate a menu-controlled program on a card reader. As the noted in the example suggested by the Examiner, one touch event might accordingly be required to select or activate such a menu, and a second later touch event in a different area of the card might be required to select a specific option from the menu. Such an arrangement would accordingly detect the "timing" of a sequence of touch events in the sense that the control mechanism could require that one touch event <u>must occur before</u> the other in a sequence to select a menu choice.

In applicant's system, as described in Fig. 4 and in paragraph [0041] on page 9 of applicant's specification, a timer is used to measure the time duration within which touch events must occur, and independent claims 9, 21 and 32 have been amended (as shown below for convenience):

> 9. * * * ~~means~~ <u>a timer</u> responsive to said control signals for controlling the data exchanged between said RFID card and said card reader ~~said timing~~ <u>when the time duration between touch events in said sequence</u> satisfies a predetermined condition.

> 21. * * * ~~means~~ <u>a timer</u> for controlling the operation of said RFID card when said timing and sequence satisfies [[a]] <u>one or more</u> predetermined <u>time duration</u> ~~condition~~ <u>conditions</u>.

> 32. * * * means <u>including at least one timer</u> for controlling the transfer of data via said transceiver when said control signals satisfy predetermined conditions indicating that said card was touched at predetermined locations in a predetermined sequence ~~having a predetermined timing~~ <u>satisfying predetermined time duration constraints.</u>

Giesler nowhere suggests that a timer be used to monitor the time duration of the touch events to determine whether a sequence of those events satisfies time duration constraints.
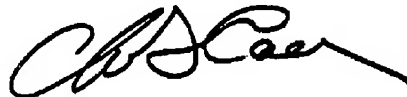
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Claims 9, 11-13, 15, 21-24 and 32-36 as now presented are thus believed to clearly distinguish applicant's invention from the card reading system described by Giesler.

Conclusion

By virtue of the foregoing amendments to independent claims 9, 21 and 32, it is believed that claims 9, 11-13, 15, 21-24 and 32-36 which had been rejected as being anticipated by Giesler are now in condition for allowance.

This response is being filed with a Request for Continued Examination to permit consideration of the claims as amended.

Respectfully submitted,

Dated: April 4, 2006   Charles G. Call, Reg. 20,406

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I hereby certify that this *Amendment* is being transmitted by facsimile to the central facsimile number of the U.S. Patent and Trademark Office, (571) 273-8300, on April 4, 2006.

Dated: April 4, 2006   Signature _____

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